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VIA ECF

The Honorable Denise L. Cote
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Pearson Educ., et al. v. Doe 1 (atmi7654), et al., No. 1:18-cv-00402-DLC

Dear Judge Cote:

This firm represents Amazon.com, Inc. ("Amazon"), a non-party to the above-captioned litigation. Amazon received a subpoena from Plaintiffs seeking certain information, documents, and books. We write in response to Plaintiffs' pre-motion letter filed yesterday (ECF No. 59).

Plaintiffs mischaracterize the circumstances at hand. Amazon responded immediately to the Court's Ex Parte Order in January, the Court's Preliminary Injunctions in February, and Plaintiffs' subpoena in February. Amazon froze seller accounts, provided Plaintiffs with identifying information that enabled them to put names and addresses to the Doe defendants, provided Plaintiffs with book inventory information, and shipped most all books in inventory to Plaintiffs' counsel. Moreover, Amazon served a timely set of responses and objections to Plaintiffs' subpoena. That said, Amazon concedes that some information has taken longer to provide than it would have preferred, and Amazon concedes with regret that some books in inventory were inadvertently destroyed pursuant to automatically generated instructions or released before they could be shipped to Plaintiffs' counsel. This is a function of Amazon's systems being designed and built to facilitate the sale and shipment of products at scale, not to respond to subpoenas or court orders; Amazon has worked reasonably, diligently, and in good faith to meet all of its obligations in this matter.

Amazon is prepared to provide the Court and Plaintiffs' counsel with a detailed sworn declaration setting forth the details of these matters by Friday, June 1. The declaration will detail the disposition of all books subject to the Orders in this case. Amazon requests leave to file its declaration under seal because an explanation of these matters requires disclosure of the inner workings of Amazon's systems.

Amazon does not believe that a further Order compelling discovery or a deposition is required, as it is now able following extensive investigation to explain the circumstances fully. Amazon recognizes that, to the extent the Court or Plaintiffs' counsel believes any information is missing

or inadequate in Amazon's declaration, further explanation or an eventual deposition may become appropriate.

Thank you for your kind consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. A. Prager', with a long horizontal flourish extending to the right.

Eric A. Prager

cc: All parties/counsel via ECF